
By: **Delegates Stern, Barkley, Barve, Benson, Bobo, Boutin, Bromwell, Bronrott, Cadden, Cane, Cardin, V. Clagett, Costa, Donoghue, Feldman, Gaines, Goldwater, Gutierrez, Harrison, Holmes, Howard, Hubbard, Kirk, Krysiak, Lee, Mandel, Marriott, McHale, Morhaim, Murray, Nathan-Pulliam, Oaks, Owings, Pendergrass, Petzold, Rosenberg, Sophocleus, Stull, Taylor, V. Turner, Walkup, and Zirkin**

Introduced and read first time: February 6, 2003
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Advisory Council on Obesity in Youth**

3 FOR the purpose of establishing a State Advisory Council on Obesity in Youth to
4 provide advice and recommendations to the General Assembly on certain issues;
5 specifying the membership, terms, removal, chairman, and purpose of the
6 Advisory Council; requiring the Advisory Council to issue certain reports on or
7 before certain dates; defining certain terms; and generally relating to the
8 Advisory Council on Obesity in Youth.

9 BY adding to
10 Article - Health - General
11 Section 13-2101 through 13-2107, inclusive, to be under the new subtitle
12 "Subtitle 21. Advisory Council on Obesity in Youth"
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2002 Supplement)

15 Preamble

16 WHEREAS, Obesity is a major public health issue in the United States and
17 Maryland and is largely preventable; and

18 WHEREAS, Approximately one-fourth of all children and adolescents are
19 overweight or obese; and

20 WHEREAS, 8,000,000 children in the United States are overweight; and

21 WHEREAS, Overweight children and adolescents have a 70% chance of
22 becoming overweight or obese adults; and

1 WHEREAS, There are more overweight and obese adults in Maryland (20.5%)
2 than in the United States average combined (17.9%); and

3 WHEREAS, Obesity is one of the major causes of diabetes in children; and

4 WHEREAS, There is a significant increase in the number of children and
5 adolescents developing diabetes; and

6 WHEREAS, About 16,000,000 Americans have Type II diabetes and the number
7 has risen by 50% in the past 10 years; and

8 WHEREAS, 193,000 Americans per year die from diabetes; and

9 WHEREAS, Obesity may contribute to cardiovascular disease, hypertension,
10 arthritis, birth defects, gall bladder disease, gout, liver disease, low back pain, sleep
11 apnea, stroke, urinary incontinence, surgical complications, and certain forms of
12 cancer such as breast, esophageal, gastric, colorectal, endometrial, and renal; and

13 WHEREAS, Obesity and weight issues disproportionately affect minorities in
14 Maryland and approximately 17% of the white population suffers from weight
15 problems, while 32% of the black population is affected; and

16 WHEREAS, The total annual cost of obesity in the United States is
17 approximately \$117,000,000,000 while in Maryland the cost is estimated to be
18 \$2,500,000,000 per year and these amounts include both direct costs such as health
19 care and indirect costs such as the loss of productivity and earnings; now, therefore,

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Health - General**

23 **SUBTITLE 21. ADVISORY COUNCIL ON OBESITY IN YOUTH.**

24 13-2101.

25 IN THIS SUBTITLE, "ADVISORY COUNCIL" MEANS THE STATE ADVISORY
26 COUNCIL ON OBESITY IN YOUTH.

27 13-2102.

28 THERE IS A STATE ADVISORY COUNCIL ON OBESITY IN YOUTH.

29 13-2103.

30 (A) (1) THE ADVISORY COUNCIL CONSISTS OF 18 MEMBERS.

31 (2) OF THE 18 MEMBERS:

32 (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,
33 APPOINTED BY THE PRESIDENT OF THE SENATE;

1 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,
2 APPOINTED BY THE SPEAKER OF THE HOUSE;

3 (III) ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL
4 HYGIENE OR THE SECRETARY'S DESIGNEE;

5 (IV) ONE SHALL BE THE SECRETARY OF EDUCATION OR THE
6 SECRETARY'S DESIGNEE;

7 (V) ONE SHALL BE THE SECRETARY OF PLANNING OR THE
8 SECRETARY'S DESIGNEE;

9 (VI) ONE SHALL BE THE SECRETARY OF NATURAL RESOURCES OR
10 THE SECRETARY'S DESIGNEE; AND

11 (VII) 12 SHALL BE APPOINTED BY THE GOVERNOR.

12 (3) OF THE 12 MEMBERS APPOINTED BY THE GOVERNOR:

13 (I) ONE SHALL BE A NUTRITIONIST;

14 (II) ONE SHALL BE A PEDIATRICIAN;

15 (III) ONE SHALL BE A CHILD PSYCHIATRIST OR A CHILD
16 PSYCHOLOGIST;

17 (IV) ONE SHALL BE A PROCESSOR OR MANUFACTURER OF THE
18 FOOD INDUSTRY;

19 (V) ONE SHALL BE AN EXPERT ON DIABETES;

20 (VI) ONE SHALL BE AN EXPERT ON PHYSICAL ACTIVITY OR SPORTS
21 MEDICINE;

22 (VII) ONE SHALL BE A REPRESENTATIVE OF A PARENT TEACHER
23 ASSOCIATION;

24 (VIII) ONE SHALL BE A YOUTH;

25 (IX) ONE SHALL BE A REPRESENTATIVE OF A NONPROFIT
26 ORGANIZATION CONCERNED WITH OBESITY IN YOUTH;

27 (X) ONE SHALL BE A REPRESENTATIVE OF THE OFFICE FOR
28 CHILDREN, YOUTH AND FAMILIES;

29 (XI) ONE SHALL BE A RESTAURANT OWNER OR A REPRESENTATIVE
30 OF THE RESTAURANT ASSOCIATION; AND

31 (XII) ONE SHALL BE A PLANNER OR AN ARCHITECT.

32 (B) (1) THE TERM OF A MEMBER IS 3 YEARS.

1 (2) AT THE END OF A TERM, NOT TO EXCEED TWO CONSECUTIVE TERMS,
2 A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

3 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
4 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

5 (C) THE GOVERNOR MAY REMOVE A MEMBER OF THE ADVISORY BOARD FOR
6 INCOMPETENCE OR MISCONDUCT.

7 13-2104.

8 FROM AMONG THE MEMBERS OF THE STATE ADVISORY COUNCIL THE
9 GOVERNOR SHALL APPOINT A CHAIRMAN FOR A 3-YEAR TERM.

10 13-2105.

11 (A) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL
12 REPRESENTS A QUORUM TO CONDUCT BUSINESS.

13 (B) A MEMBER OF THE ADVISORY COUNCIL:

14 (1) MAY NOT RECEIVE COMPENSATION; BUT

15 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
16 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

17 13-2106.

18 (A) THE PURPOSE OF THE ADVISORY COUNCIL SHALL BE TO PROVIDE ADVICE
19 AND RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY WITH
20 RESPECT TO OBESITY IN YOUTH BY:

21 (1) SERVING AS A COORDINATING AND UNIFYING BODY TO BRING
22 TOGETHER VARIOUS AGENCIES AND ORGANIZATIONS WORKING ON THE PROBLEMS
23 OF OBESITY IN YOUTH;

24 (2) COLLECTING AND ANALYZING DATA AND REPORTS PREPARED BY
25 MARYLAND DEPARTMENTS AND AGENCIES;

26 (3) INVESTIGATING PRACTICES IN OTHER STATES;

27 (4) EXPLORING WAYS TO INCREASE PUBLIC AWARENESS OF THE
28 PROBLEMS SURROUNDING OBESITY IN YOUTH AND THE INCREASED NUMBER OF
29 YOUTH DEVELOPING DIABETES;

30 (5) HOLDING COMMUNITY FORUMS AROUND THE STATE TO GATHER
31 INFORMATION AND TO ESTABLISH LINKS WITH LOCAL COMMUNITY GROUPS AND
32 CITIZENS;

1 (6) EXPLORING THE FEASIBILITY OF THE STATE BOARD OF EDUCATION
2 TO CREATE AND PROMOTE A HEALTHY SCHOOLS INITIATIVE PROGRAM WITH
3 AWARDS FOR PERFORMANCE AND RESULTS;

4 (7) DEVELOPING A SYSTEM FOR COLLECTING, ANALYZING, AND
5 MAINTAINING STATEWIDE DATA;

6 (8) DEVELOPING WAYS TO PROMOTE THE BETTER USE OF AFTER
7 SCHOOL FACILITIES AND SHARED FACILITIES WITH THE COMMUNITY FOR PHYSICAL
8 ACTIVITIES;

9 (9) EXPLORING WAYS TO ENCOURAGE SCHOOLS, RESTAURANTS, AND
10 THE FOOD INDUSTRY TO INCREASE THE NUMBER AND VARIETY OF NUTRITIOUS
11 FOOD OFFERINGS;

12 (10) EXPLORING THE EFFECT OF MASS MARKETING AND "SUPERSIZING"
13 BY FOOD ESTABLISHMENTS ON CHILDHOOD OBESITY AND DIABETES;

14 (11) EXPLORING WAYS TO INCORPORATE EDUCATION ON NUTRITION
15 AND TO INCREASE PHYSICAL ACTIVITIES IN SCHOOL CURRICULUM;

16 (12) MAKING RECOMMENDATIONS FOR IMPROVING THE PHYSICAL
17 LAYOUT OF SCHOOLS, YOUTH CENTERS, AND PARKS AND RECREATIONAL AREAS TO
18 ENCOURAGE INCREASED PHYSICAL ACTIVITIES;

19 (13) EXPLORING WAYS TO DESIGN COMMUNITIES AND SCHOOLS THAT
20 ENCOURAGE PHYSICAL ACTIVITY; AND

21 (14) EXPLORING THE AVAILABILITY OF GRANTS.

22 13-2107.

23 ON OR BEFORE JUNE 1, 2005, AND EVERY 2 YEARS THEREAFTER, THE ADVISORY
24 COUNCIL SHALL ISSUE A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
25 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, THAT
26 INCLUDES RECOMMENDATIONS ON OBESITY IN YOUTH ISSUES IN MARYLAND.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 June 1, 2003.